

# EXHIBIT 4

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1 A. I was.

2 **Q. And is the current Buffalo Bayou and**  
3 **Tributaries project exploring the possibility of**  
4 **buying out that land or doing something to decrease**  
5 **or reduce or eliminate the risk these people face of**  
6 **having their homes flooded by that impounded runoff?**

7 A. It is.

8 **Q. And what is the estimated date of completion**  
9 **for that report?**

10 A. I'm guessing a year and a half, two years  
11 from now.

12 **Q. Mr. Thomas, do you know whether in the**  
13 **history of this project the Corps of Engineers has**  
14 **ever asked Congress for funding or authorization to**  
15 **buy all of the property in the Addicks and Barker**  
16 **reservoirs?**

17 A. I believe so.

18 **Q. You believe they have?**

19 A. I believe I know the answer.

20 **Q. What's the answer?**

21 A. As far as I know they have not.

22 **Q. They have never asked for that authorization,**  
23 **have they?**

24 A. As far as I know.

25 **Q. Okay. Mr. Thomas, what I'd like to do now is**

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1 we've talked about Harvey. I would like to go back  
2 to the 1940s period to when this project was created;  
3 all right?

4 When I deposed you, I recall you had  
5 prepared a word document that had some screen shots  
6 and things on it. It talked about the history of the  
7 dams and these projects. Do you recall that?

8 A. Yes, sir.

9 **Q. And I say that because I'm trying to save**  
10 **some time, candidly, and not have to mark too many**  
11 **exhibits, but you're familiar with the original**  
12 **project plan for this federal project; right?**

13 A. Right.

14 **Q. Okay. So back in the '40s, the overall**  
15 **project had many elements besides just the Addicks**  
16 **and Barker reservoirs; correct?**

17 A. Correct.

18 **Q. You know what? I fear I have to mark these**  
19 **anyway to make my record.**

20 So Mr. Thomas, I'd like to show you  
21 what's been marked for identification as Upstream 70,  
22 and I have to believe this is a Joint exhibit as  
23 well; 5, Joint Exhibit 5.

24 Okay. Mr. Thomas, Joint Exhibit 5 is a  
25 document dated June 1st, 1940, entitled Definite

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1 **Project Report; correct?**

2 A. Right.

3 I'll add that it's also labeled  
4 "construction drafting section" at the bottom.

5 **Q. Is there any significance to a construction**  
6 **drafting section?**

7 A. There is another one that looks just like  
8 this that has a different title at the bottom.

9 **Q. Understood.**

10 **MR. EASTERBY: Your Honor, we move to admit**  
11 **Joint Exhibit 5.**

12 MR. SHAPIRO: No objection.

13 THE COURT: Admitted.

14 (Joint Exhibit 5 was received in  
15 evidence.)

16 **Q. BY MR. EASTERBY: So if you turn to page 12**  
17 **of the Exhibit, paragraph 24 talks about what the**  
18 **project plan has for its principal features, and it**  
19 **lists nine different elements; correct?**

20 A. Right.

21 **Q. And of those nine, how many were actually**  
22 **built?**

23 A. Three.

24 **Q. Which are those?**

25 A. The Addicks dam and reservoir, the Barker dam

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1 and reservoir, and the bypass channel downstream.

2 **Q. So the twin reservoirs, which are item E, are**  
3 **one of the nine; correct?**

4 A. That's a different plan.

5 **Q. So that's one, and then the bypass channel,**  
6 **which one is that, Mr. Thomas?**

7 A. I think that's F.

8 **Q. F?**

9 A. I think. I think that's right.

10 **Q. I see.**

11 And the idea was that there would be  
12 channel rectification on Buffalo Bayou for those  
13 first 7-1/2 miles, and then there would have been a  
14 south canal that would pick up and divert all those  
15 flows into the ship channel; right?

16 A. I think it went to the bay, but right.

17 **Q. The bay.**

18 And that south canal was supposed to  
19 have capacity of 18 to 20,000 cubic feet per second;  
20 right?

21 A. I forget the number, but sufficient to carry  
22 all the surcharge releases.

23 **Q. But the south canal was not built; is that**  
24 **right?**

25 A. That's right.